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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,212	12/01/2003	Nicolas Voyer	243565US2	9810
22850	7590	07/19/2005		
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
			EXAMINER GARY, ERIKA A	
			ART UNIT 2681	PAPER NUMBER

DATE MAILED: 07/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,212

Applicant(s)

VOYER, NICOLAS

Examiner

Erika A. Gary

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/1/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/1/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 8 and 9 are objected to because of the following informalities: claims 8 and 9 are method claims referring back to an apparatus claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Schwinghammer et al., US Patent Number 5,953,661 (hereinafter Schwinghammer).

Regarding claims 1, 4, and 10, Schwinghammer discloses a method (and device) of simulating operating conditions of a telecommunications system including a plurality of radio base stations and a plurality of mobile transceivers, comprising: computing at least one value of at least one interference parameter of one of said mobile transceivers, the at least one interference parameter being indicative of an amount of interference affecting a communication between said mobile transceiver and an associated radio base station; identifying radio base stations and mobile transceivers that generate a significant amount of interference affecting said communication; and

selecting data of radio base stations and mobile transceivers identified during the identification step for an execution of the computing step [col. 3: line 60 – col. 4: line 60; col. 6: line 49 – col. 7: line 24].

Regarding claims 2, 5, and 11, Schwinghammer discloses a step of creating, for a given cell including a radio base station, a neighbor list containing identities of neighbor cells including radio base stations with which a mobile transceiver in said given cell could potentially establish a communication, the identification step identifying neighbor cells of said given cell including the mobile transceiver to which the at least one interference parameter is computed [col. 8: line 60 – col. 9: line 5].

Regarding claims 3, 6, and 12, Schwinghammer discloses identifying cells which are neighbors to a predetermined degree of said given cell including the mobile transceiver to which the at least one interference parameter is computed [col. 4: lines 43-45].

4. Claims 1, 4, 7-10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's submission of prior art, Neubauer et al., "Required Network Size for System Simulations in UMTS FDD Uplink" (hereinafter Neubauer).

Regarding claims 1, 4, and 10, Neubauer discloses a method (and device) of simulating operating conditions of a telecommunications system including a plurality of radio base stations and a plurality of mobile transceivers, comprising: computing at least one value of at least one interference parameter of one of said mobile transceivers, the at least one interference parameter being indicative of an amount of interference

affecting a communication between said mobile transceiver and an associated radio base station; identifying radio base stations and mobile transceivers that generate a significant amount of interference affecting said communication; and selecting data of radio base stations and mobile transceivers identified during the identification step for an execution of the computing step [page 482, paragraph a – page 483, paragraph d].

Regarding claims 7 and 13, Neubauer discloses simulation means for simulating movements and ongoing communications of said mobile transceivers according to a given set of operating conditions of the radio base stations and transceivers according to a given set of operating conditions of the radio base stations and transceivers, said simulation means including the computing means, the identification and selection means; and management means for updating said given set of operating conditions of the radio base stations and transceivers with respect to said simulated movements and ongoing communications of said mobile transceivers with respect to said simulated movements and ongoing communications of said mobile transceivers, said management means including the list generation means, wherein the simulation and management means operate asynchronously with respect to each other [page 482, paragraph a – page 483, paragraph d].

Regarding claim 8, Neubauer discloses a method of testing a radio network controlling unit configured to manage ongoing communications between mobile transceivers and radio base stations in an actual deployment of a telecommunication system using a simulation device to simulate a behavior of said radio network

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controlling unit, said radio network controlling unit substituting for a management module [page 482, paragraph a – page 483, paragraph d].

Regarding claim 9, Neubauer discloses a method of testing a radio base station configured to be included in a simulated telecommunication system when actually deployed, comprising: using a simulation device to simulate a behavior of said radio base station, said radio base station being connected to a simulation module [page 482, paragraph a – page 483, paragraph d].

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Soliman, US Patent Number 5,675,581, discloses simulating user interference in a spread spectrum communication network

Ganesh et al., US Patent Number 6,360,098, disclose a method and system for determining a neighbor list for a CDMA sector.

Freeman et al., US Patent Number 6,408,185, disclose a method and system for modeling a radio communications network.

Demers et al., US Patent Number 6,771,934, disclose methods and systems for reducing interference across coverage cells.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-

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7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG
July 13, 2005


ERIKA A. GARY
PRIMARY EXAMINER